

City Council Introduction: **Monday**, July 7, 2003  
Public Hearing: **Monday**, July 14, 2003, at **1:30 p.m.**

Bill No. 03-101

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 02003**, requested by the Director of Planning, to annex those properties within Sanitary & Improvement District #2 of Lancaster County, consisting of approximately 160 acres, generally located northwest of the intersection of South 84<sup>th</sup> Street and Pine Lake Road.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan.

**ASSOCIATED REQUESTS:** Comprehensive Plan Conformance No. 02003, Declaration of Surplus Property (03-102)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 05/29/02  
Administrative Action: 05/29/02

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (5-0: Duvall, Newman, Steward, Carlson and Schwinn voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent).

### **FINDINGS OF FACT:**

1. This annexation proposal and the associated declaration of surplus property (Comprehensive Plan Conformance No. 02003 - Bill #03-102) were heard at the same time before the Planning Commission.
2. The staff recommendation is based upon the "Analysis" as set forth on p.6, concluding that this annexation proposal is in conformance with the Comprehensive Plan for the following reasons: a) it meets the annexation policies of the Comprehensive Plan; b) the area to be annexed is within the future service limit; c) the area to be annexed is contiguous to the city; and d) the area to be annexed is generally urban in character.
3. The staff presentation and Planning Commission discussion is found on p.8-9.
4. Bill Austin testified in support on behalf of SID #2 of Lancaster County and the Pine Lake Association (p.9).
5. There was no testimony in opposition.
6. The Planning Commission found the proposed annexation to be in conformance with the Comprehensive Plan.
7. This application and the associated declaration of surplus property (Bill #03-102) were not immediately forwarded to the City Council at the request of City staff. The delay was requested to allow time for City sanitary sewer service to be extended to the SID so the existing package treatment facility owned by the SID could be decommissioned.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** June 30, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** June 30, 2003

**REFERENCE NUMBER:** FS\CC\2003\ANNEX.02003 Pine Lake

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

### for May 29, 2002 PLANNING COMMISSION MEETING

**P.A.S.#:** Annexation #02003  
Sanitary and Improvement District (SID) #2 (Pine Lake)

**PROPOSAL:** To find that annexation of those properties within Sanitary and Improvement District #2 is in compliance with the Comprehensive Plan.

**LAND AREA:** Approximately 160 acres.

**CONCLUSION:** This annexation proposal is in conformance with the Comprehensive Plan for the following reasons:

- It meets the annexation policies of the Plan;
- The area to be annexed is within the future service limit;
- The area to be annexed is contiguous to the city;
- The area to be annexed is generally urban in character.

<b><u>RECOMMENDATION:</u></b>	Find that this request is in conformance with the Comprehensive Plan.
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Pine Lake Addition, Pine Lake 2<sup>nd</sup> Addition, Pine Lake 3<sup>rd</sup> Addition, Pine Lake 4<sup>th</sup> Addition, Pine Lake 5<sup>th</sup> Addition, Pine Lake 6<sup>th</sup> Addition, Pine Lake 8<sup>th</sup> Addition, Pine Lake 9<sup>th</sup> Addition, and Lot 16 I.T., located in Section 15, T9N, R7E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska (State law requires the abutting streets - Pine Lake Road and South 84<sup>th</sup> Street - to be annexed automatically at the same time).

**LOCATION:** Northwest of the intersection of South 84<sup>th</sup> Street and Pine Lake Road.

**EXISTING ZONING:** AGR Agricultural Residential

**EXISTING LAND USE:** Single-family Residential, Golf Course

### **SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-3
South:	Church, Vacant (site of recently approved Pine Lake Plaza)	AGR
East:	Single-family Residential, Vacant	AGR
West:	Vacant (preliminary plat for Edenton Woods is under review)	AGR

**ASSOCIATED APPLICATIONS:** CPC#02003 - A declaration of surplus property for Outlots G, H, I, J, K, L, M and N, Pine Lake 5<sup>th</sup> Addition and Outlot AAA, Pine Lake 8<sup>th</sup> Addition.

**HISTORY:** This application received a recommendation of approval by a vote of 5-0 from the Planning Commission at their **May 29, 2002** meeting. This application and the associated declaration of surplus property (CPC#02003) were not immediately forwarded to the City Council at the request of City staff. The delay was requested to allow time for City sanitary sewer service to be extended to the S.I.D. so the existing package treatment facility owned by the S.I.D. could be decommissioned.

City Council approved an interlocal agreement with the Pine Lake SID on **May 13, 2002** to allow connection to the City's water system.

SP#277H - An amendment to the Pine Lake CUP was approved **June 14, 2001** to allow a reduced front yard setback for Lot 20, Pine Lake Addition.

SP#277G - An amendment to the Pine Lake CUP was approved on **November 17, 1999** to allow cellular telephone antennas on the Pine Lake water tower.

SP#277F - An amendment to the Pine Lake CUP was approved on **November 1, 1999** to allow a reduction in the side yard setback from 15 feet to 10 feet on Lots 76 - 85, Pine Lake 4<sup>th</sup> Addition.

SP#277E - An amendment to the Pine Lake CUP was approved on **November 23, 1998** to allow reduction in the front yard setback from 40' to 35' and to the side yard setback from 10' to 5' on Lot 3, Block 3, Pine Lake 5<sup>th</sup> Addition.

SP#277D - An amendment to the Pine Lake CUP was approved on **April 6, 1987**, allowing a revised lot layout for those lots along Barkley and Horseshoe Drives, and South 83<sup>rd</sup> Street.

SP#277C - This amendment was withdrawn on **February 3, 1986**.

SP#277B - An amendment to the Pine Lake CUP was approved **June 24, 1985** allowing a reduction in the front yard setback from 50' to 40' and the side yard setback from 15' to 10' on Blocks 3, 4, and 5, Pine Lake 5<sup>th</sup> Addition.

Revised Preliminary Plat of Pine Lake and Pine Lake 8<sup>th</sup> Addition - The revised preliminary plat and the 8<sup>th</sup> Addition final plat were approved **May 22, 1985** and **July 15, 1987** respectively.

Pine Lake 6<sup>th</sup> Addition - The final plat was approved **October 24, 1977**.

SP#277A - An amendment to the Pine Lake CUP was approved on **February 9, 1976**, allowing a reduction in the side yard setback from 15' to 5' on those lots less than 90' in width and from 15' to 10' on those lots 90' or more in width on Blocks 1 through 5, Pine Lake 5<sup>th</sup> Addition.

Pine Lake 5<sup>th</sup> Addition - The final plat of Pine Lake 5<sup>th</sup> Addition was approved **July 25, 1973**, and included Outlot G for the golf course.

Pine Lake Revised Preliminary Plat and Pine Lake 4<sup>th</sup> Addition - The revised preliminary plat of Pine Lake and the final plat of Pine Lake 4<sup>th</sup> Addition were approved **February 24, 1971**, and expanded the area included in the plat east to South 84<sup>th</sup> Street including a conceptual plan for a golf course.

Pine Lake 3<sup>rd</sup> Addition - The final plat of Pine Lake 3<sup>rd</sup> Addition was approved **December 23, 1970**.

Pine Lake 2<sup>nd</sup> Addition - The final plat of Pine Lake 2<sup>nd</sup> Addition was approved **March 8, 1964**.

SP#277 - A special permit revising the Pine Lake C.U.P. was approved **September 8, 1964**.

Pine Lake Addition - The final plat of Pine Lake Addition (the western portion of the Pine Lake SID surrounding the lake) was approved **June 28, 1961**.

SP#209 - The original C.U.P. for Pine Lake was approved **June 28, 1961**.

Pine Lake - The preliminary plat of Pine Lake was approved **June 28, 1961**.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F25** - The Land Use Plan designates the Pine Lake SID as Low Density Residential, with the golf course and trails designated as Parks and Open Space.

**Page F27** - The Pine Lake SID is within the City's Future Service Limit.

**Page F154** - Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. The annexation policies of the City of Lincoln include but are not limited to the following:

-The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.

-The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

-Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

-Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

-The character of existing residential areas should be respected as much as possible during the annexation process. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners. Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

-Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

## **SPECIFIC INFORMATION:**

**BACKGROUND:** On December 12, 2001, the preliminary plat and annexation of Parker's Landing were approved. It is a residential development located north of the Pine Lake SID. With the annexation of Parker's Landing, the Pine Lake SID became adjacent to Lincoln's corporate boundary.

At approximately the same time as the Parker's Landing annexation, one of the SID's three water wells failed. The SID stated that three wells are needed to meet summer peak demand and to provide fire protection, and the SID is required to provide water capacity to meet these needs. Because there had been an ongoing discussion among the SID, the Homeowner's Association, the Pine Lake Golf and Tennis Association and the City, the SID notified the City of the failed well and the cost of replacement. The City chose to enter into an interlocal agreement and provide water to the district with the understanding that annexation was imminent and that it would not be opposed by the SID, rather than have the District go into debt to construct a new well - a debt the City would assume after annexation.

A public meeting to discuss the proposed annexation with affected property owners was held on May 21, 2002 at the Berean Church. A copy of the notice that was sent to all affected owners is attached. On May 29, 2002, the Planning Commission held a public hearing and voted 5-0 to approve the annexation. After that hearing, staff recommended that the request not be forwarded to City Council to allow time for sanitary sewer to be extended to the development, as staff was concerned about the potential liability associated with the City owning the sewage treatment facility located within the S.I.D.

## **UTILITIES AND SERVICES:**

**Sanitary Sewer** - An executive order was approved to allow Pat Mooberry to extend sanitary sewer service from manhole #234 (see attached exhibit A) north to serve Parker's Landing. With construction of that line, it became feasible to then extend a line to the east from manhole #236 and connect Pine Lake. It is anticipated that the connection to Pine Lake will be completed in July, 2003. After the connection is made, the existing treatment facility will be decommissioned.

**Water** - The S.I.D. is connected to the City's water system via an existing 24" water main in South 84<sup>th</sup> Street. Upgrades to the City's water system are planned in this area, including the Cheney Booster. At such time as those improvements are completed, additional connections for Pine Lake will be made to the Cheney Booster District to enhance water service to the area.

**Roads and Sidewalks** - The streets within Pine Lake have 60' wide rights-of-way with 27' wide paved surfaces, except the street across the dam which is approximately 20' wide. Streets have curb and gutter and are in generally good repair and well maintained. Those portions of South 84<sup>th</sup> Street and Pine Lake Road that abut Pine Lake will automatically be annexed with the SID. There are no sidewalks within the development.

**Parks and Trails** - After annexation, the assets and liabilities of the SID will be assumed by the City. Among the assets are the outlots where the golf course, some recreational trails, and the Pine Lake water tower and wells are located. The Parks and Recreation Department does not want to maintain these facilities, and City staff agree that the City does not want to retain ownership of the outlots and

related facilities after annexation. For this reason, the related application for declaration of surplus property accompanies this annexation request.

**Fire Protection** - Fire protection is currently provided by the Southeast Rural Fire District. After annexation, the City will provide fire protection where the first responding units will be dispatched from either Engine #12 at South 84th & South Streets or Engine # 6 at South 48th & Clair Streets. Fire hydrants exist throughout the SID, and are compatible with City fire fighting equipment.

**Schools** - The Pine Lake area is currently affiliated with four different school districts (Lincoln Public Schools, Waverly, Cheney, and Bennet/Palmyra). After annexation, all students within the Pine Lake area will automatically be in the Lincoln Public School District.

## **ANALYSIS:**

1. The City entered into an interlocal agreement on May 13, 2002 with the Pine Lake SID to allow connection to the city's water system with the understanding that annexation was imminent, and that annexation would not be opposed by the SID. The urgency was created by the need of the SID to compensate for the failure of one of their three wells. Their ability to provide adequate fire protection with two wells was questionable, a problem compounded if a second well were to have failed.

The interlocal agreement allowed connection to the City's water system while the annexation was being processed. As annexation was considered imminent, it was deemed to be in the City's economic interest to provide water service and proceed with annexation, versus the SID assuming debt to drill a new well. If a new well had been drilled, the debt would have been assumed by the City for a facility that would not be used for domestic service after annexation.

2. An annexation agreement has been drafted for City Council consideration. The purpose of the agreement is to stipulate the conditions under which the annexation will occur.
3. The area to be annexed is within the City's Future Service Limit, as shown on Lincoln's Land Use Plan of the Comprehensive Plan (page F27).
4. This proposal is in conformance with the annexation policy on page F154 of the Comprehensive Plan. The area to be annexed is developed, urban in character; contiguous to the city limits, and has city utilities available.

Prepared by:

Brian Will, AICP  
Planner

June 30, 2003

**APPLICANT:** Marvin S. Krout, Director of Planning  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508  
(402) 441-7491

**CONTACT:** Brian Will  
Lincoln/Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508  
(402) 441-6362

**ANNEXATION NO. 02003  
and  
MISCELLANEOUS NO. 02003,  
DECLARATION OF SURPLUS PROPERTY**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 29, 2002

Members present: Duvall, Newman, Steward, Carlson and Schwinn; Krieser, Larson, Bills-Strand and Taylor absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Brian Will of Planning staff provided background on this proposal. The city has been in discussions for the last couple of years with the Pine Lake SID #2 concerning the possibility of annexation. Recent events have brought the issue to the forefront. Most notably, the Planning Commission considered late last year, the preliminary plat and annexation of Parker's Landing. With the approval of that preliminary plat and annexation, the Pine Lake SID just to the south became contiguous and adjacent to the City. The SID receives its water supply from three wells. Shortly after the Parkers Landing approval, one of the three wells failed. It is the responsibility of the SID to provide water so they were in the position of having to make up that shortfall. On May 13, 2002, the city entered into an Interlocal Agreement with the Pine Lake SID #2 to allow connection to City water to make up that shortfall in water supply. The connections are in South 84<sup>th</sup> Street. Those connections are due to be made by June 25, 2002. The Interlocal Agreement provides that the SID acknowledge that annexation is imminent.

Will explained that the question before the Planning Commission is compliance with the Comprehensive Plan. The staff has reviewed the annexation as to compliance with the Comprehensive Plan, and specifically the staff reviewed it as to compliance with the policy that land which is contiguous may be annexed and annexation generally applies opportunity to access the services. The water connections will be made to existing water lines in South 84<sup>th</sup> Street. The property is developed as single family residential. The staff finds that this area is generally developed urban in character, is contiguous to the city limits and generally has city utilities available or planned for.

With regard to the declaration of surplus property, this specifically relates to the properties cross-hatched on the map, being those properties currently developed as golf course, recreational trails and open space. The Parks and Recreation Department has no interest in maintaining or being liable for these facilities and staff has made the recommendation that those properties be declared surplus and deeded back to one of the remaining entities after annexation, either the homeowners association or the tennis and golf association.

Will observed that the new Comprehensive Plan was adopted on May 28, 2002. The staff recommendation remains the same under the new Comprehensive Plan policies.



Steward inquired as to why the lake and lake edges are not being declared surplus. Will explained that the lake is owned by the Pine Lake Association as opposed to the SID.

Newman noted that the surplus property would become private property for the homeowners. She wondered whether the neighborhood to the north would be able to use the property. Will did not anticipate that there will be any difference in the use of the outlots after they are deeded back to the homeowners association.

**2. Bill Austin, Erickson & Sederstrom, testified in support on behalf of the SID #2 of Lancaster County and Pine Lake Association.**

There was no testimony in opposition.

Public hearing was closed.

**ANNEXATION NO. 02003**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 29, 2002

Carlson moved to approve the staff recommendation as to conformance with the Comprehensive Plan, seconded by Duvall.

Newman applauded the staff for sending the information to the Pine Lake residents and holding the information meeting. It is wonderful information and she believes that is why we don't have a lot of people here because it answered their questions ahead of time.

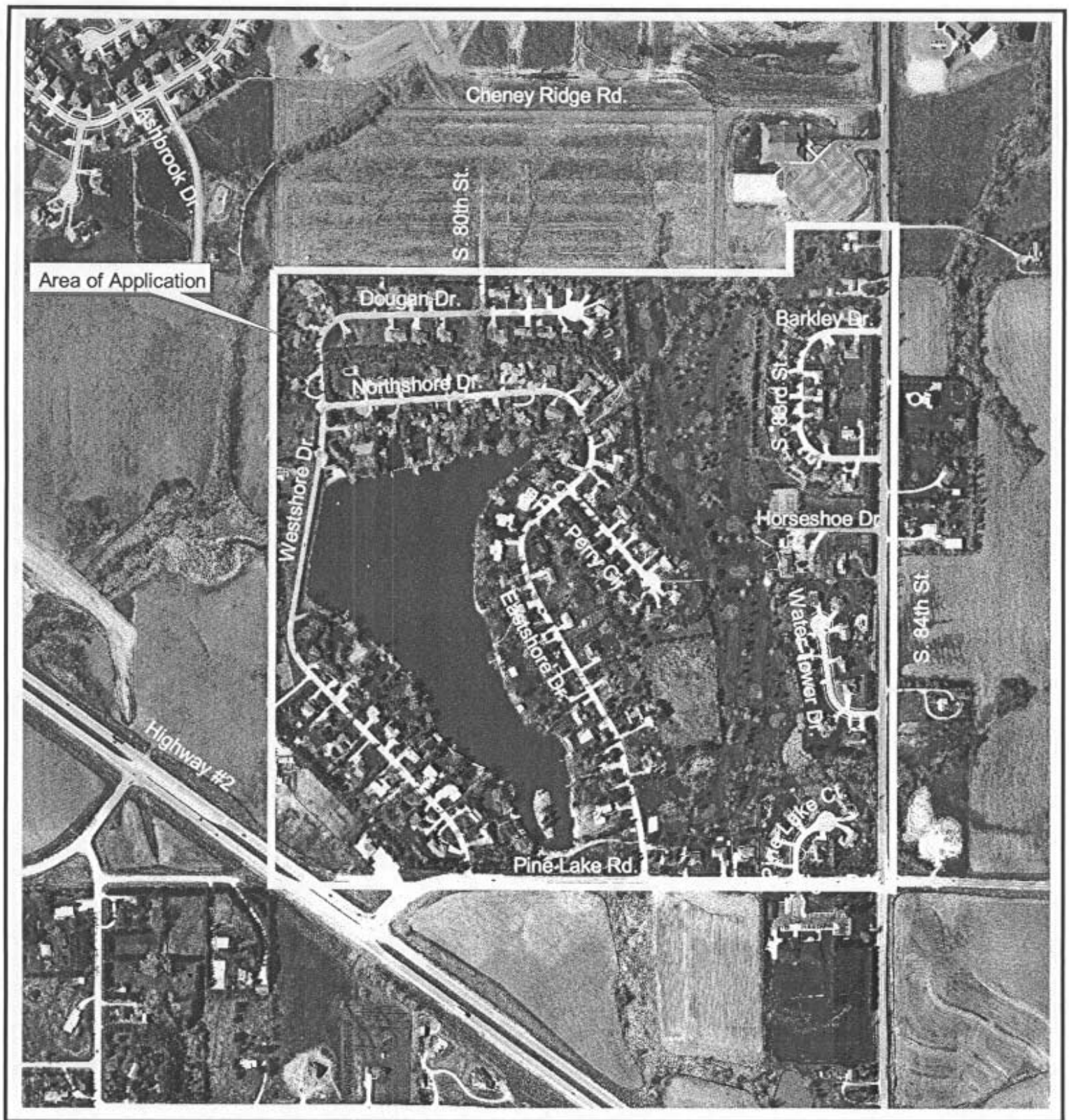
Motion carried 5-0: Duvall, Newman, Steward, Carlson and Schwinn voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent.

**COMPREHENSIVE PLAN CONFORMANCE NO. 02003**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 29, 2002

Carlson moved to approve the staff recommendation as to conformance with the Comprehensive Plan, seconded by Duvall and carried 5-0: Duvall, Newman, Steward, Carlson and Schwinn voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent.



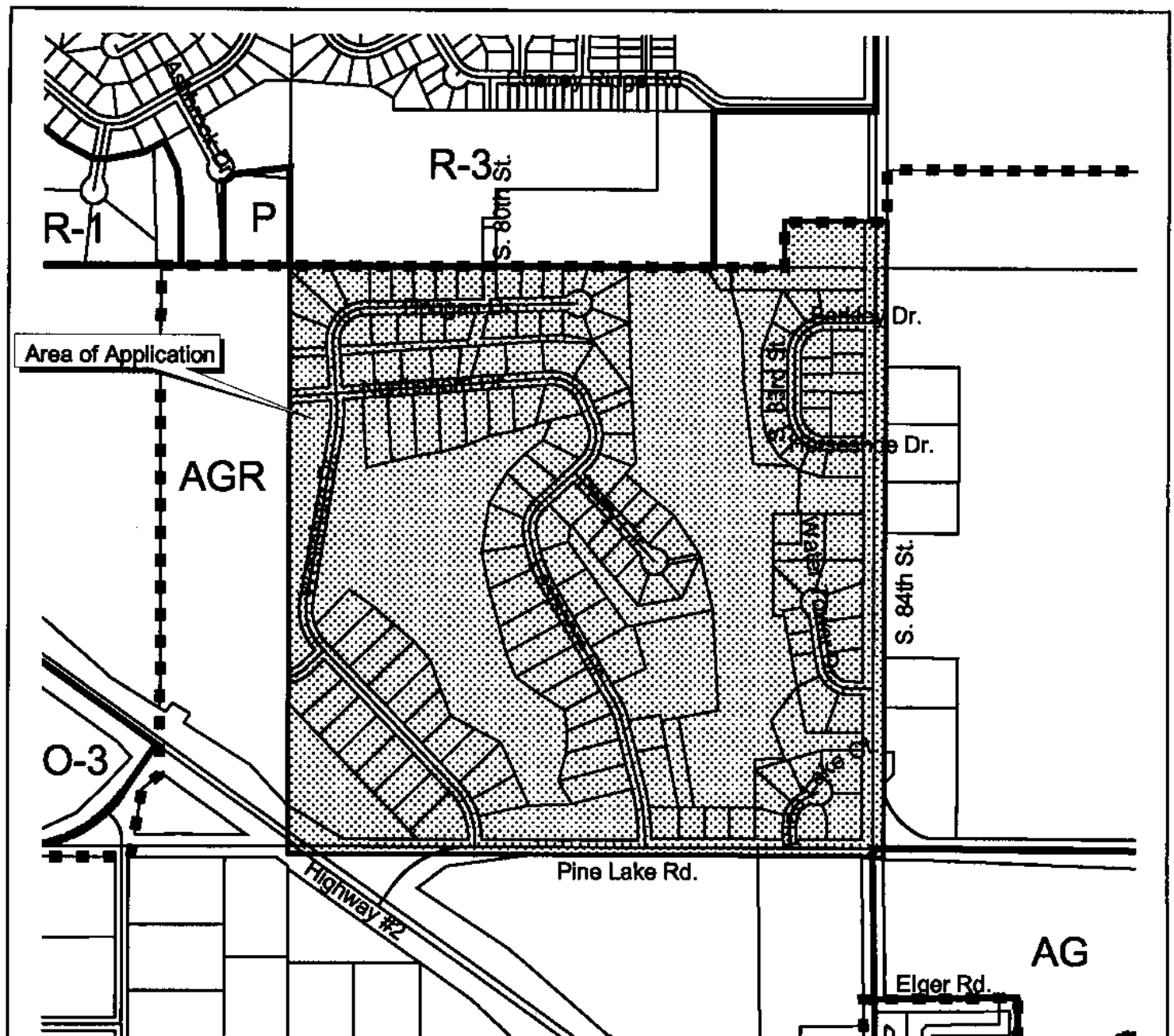
**Annexation #02003  
S. 84th & Pine Lake**



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

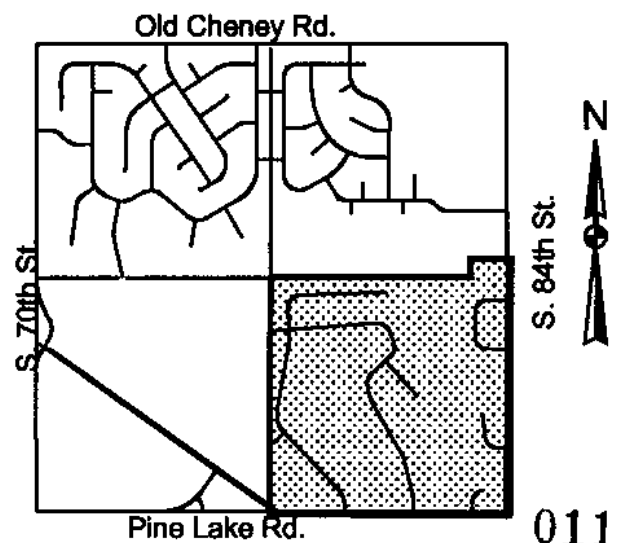
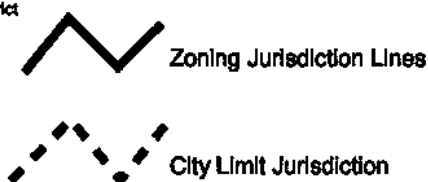


## Annexation #02003 S. 84th & Pine Lake

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 15 T9N R7E



011



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-DEPARTMENT COMMUNICATION**

<b>TO:</b>	Brian Will	<b>DATE:</b>	April 30, 2002
<b>DEPARTMENT:</b>	Planning	<b>FROM:</b>	Jerrold C. Hood, REHS
<b>ATTENTION:</b>		<b>DEPARTMENT:</b>	Health
<b>CARBONS TO:</b>	Bruce D. Dart, Director Scott E. Holmes File	<b>SUBJECT:</b>	Annexation #02003 Pine Lake Subdivision

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the plans for the proposed annexation of Pine Lake Subdivision. The LLCHD supports this annexation and urges that the City of Lincoln sewer be connected to the subdivision as soon as possible. Records indicate that sewage disposal plant may at times be overloaded which has resulted in high discharge numbers of fecal Coliform and high Total Suspended Solids (TTS). If the city annexes Pine Lake Subdivision before city sewer can be provided, the City will gain the liability of the existing sewage treatment plant.

The LLCHD also urges that the City of Lincoln water supply be made available to Pine Lake as soon as possible. In the Past, Pine Lake Subdivision has been served by three wells. Recently, one of the three wells is no longer producing and needs to be either refurbished or replaced. The remaining two wells do not have sufficient capacity to provide sufficient water volume for the seasonal increase in water demand and to provide sufficient volume for fire protection.

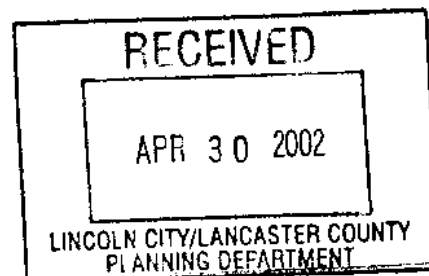
Any wells kept in use after annexation must have a biennial well permit issued from the LLCHD.

If there are any questions please contact me at 441-8029.

JCH:dl

Planning.Memo.wpd/5

*Jerrold C. Hood*



# Memo



**To: Brian Will, Planning Department**

**From: Mark Canney, Parks & Recreation**

**Date: April 22, 2002**

**Re: Pine Lake Annexation**

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Outlot areas that are presently owned by the SID need to be transferred to the homeowners association for future maintenance and shall remain the responsibility of the homeowners association.
2. No public ownership is anticipated of the golf course or common areas.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



May 8, 2002

Dear Property Owner:

**RE: Public Meeting for the Proposed Annexation of Pine Lake Sanitary and Improvement District (SID) #2**

The City of Lincoln is initiating the process for annexation of those properties within Pine Lake SID #2. On May 21, 2002, the Planning Department will host an open house to explain the annexation proposal and to answer questions. The open house will start at 7:00 p.m. with a brief presentation by staff, with the remainder of the time for questions. The meeting will be held at the Berean Church located at 6400 South 70<sup>th</sup> Street. Staff from the County Assessor's Office, Lincoln Public Schools, Lincoln-Lancaster County Health Department, City of Lincoln Public Works and Utilities, and the City of Lincoln Law Department are scheduled to attend and be available for questions.

Included is a list of questions and answers to some of the common questions typically asked about annexation. Hopefully this will answer some of the questions that you may have about the potential annexation; however, if you would like to speak to someone for clarification or more information there is a list of staff contacts with phone numbers at the end of this letter.

**What is the review process for annexations?**

The proposed annexation is scheduled for Planning Commission public hearing on Wednesday, May 29<sup>th</sup> at 1:00 p.m. The hearing will be in City Council-County Board Chamber on the first floor of the City-County Building at 555 South 10<sup>th</sup> Street. The meeting is open to the public and anyone may testify before the Planning Commission or send a letter to the Commission in advance. The meeting will also be broadcast live on public access cable channel 5.

The Planning Commission is a nine member body that will make a recommendation to the City Council on the conformance of the proposed annexation with the Comprehensive Plan. The Planning Department prepares a staff report on behalf of city staff with a recommendation on the proposed annexation to the Planning Commission for their review and consideration. The report is available to the public the week before the hearing, on May 23<sup>rd</sup> after 3:00 p.m. Once the Planning Commission makes its recommendation, an additional public hearing will be held by the City Council at a later date.

**What is the City's Annexation Policy?**

The current Comprehensive Plan provides guidance on the issue of annexation. On pages 191 and 192 of the 1994 Comprehensive Plan it states the following:

**"Annexation.** The following policies will provide guidance regarding annexations by the City:

- The boundaries for providing municipal services should generally coincide with the jurisdictional boundaries of the community.

- The extension of water or sewer service shall be predicated upon an annexation, which shall occur before the land is provided with water or sewer service.
- Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
- Annexation generally implies the opportunity to access all City services (i.e., police, fire). Voluntary annexation agreements may limit or outline the phasing, timing or development of utility services (i.e., water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.
- A Comprehensive Plan amendment, including amendment to the phasing plan, may be subject to a voluntary annexation agreement which will limit or outline the phasing, timing of development of utility services (i.e. water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.
- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvement Program of the city and county.

The Comprehensive Plan is the City's guide for decisions regarding both development and annexation. The 1994 Lincoln/Lancaster County Comprehensive Plan contains both guidelines on annexation and a phasing plan for development. The city has adopted an "Anticipated Lincoln Service Limit and Phasing Plan," Figure 65, page 197 of the Comprehensive Plan. The future service limit delineates those areas that are anticipated to be included in the city limits at some point in the future. The properties within Pine Lake SID #2 are inside the future service limit.

#### **Upon what legal basis can the City annex property?**

The City of Lincoln's ability to annex property comes from state authorization. The following is a general summary of annexation law with regard to the City of Lincoln:

- the City may at any time annex "contiguous or adjacent" lands;
- according to State statutes "land shall be deemed contiguous although a stream, embankment, strip or parcel of land, not more than 500 feet wide, lies between such land and the corporate limits;
- the Nebraska Supreme Court has voided "strip, corridor or flag" annexations in which the land is adjacent by only a narrow strip or neck of land;
- the City automatically annexes adjacent property upon subdivision if it is in the future urban area and must annex adjacent county roads during an annexation.

#### **How would this affect property taxes?**

The properties with the Pine Lake SID #2 are within four different taxing districts. The average residential value for 2001 was \$204,750. Below are the comparisons based upon the average residential value showing the tax district and rates before and after annexation (per County Assessor as of 4/22/02).



	School District	Tax Rate	Annual Tax Amount
Tax Dist. #6	Lincoln	1.9047700	\$3,900
Tax Dist. #1	Lincoln	2.007788	\$4,110
Approximate increase totaling \$210.00			
Tax Dist. #36	Waverly	1.76044	\$3,616
Tax Dist. #205	Lincoln - no bond & Waverly - 1996 high school & Waverly - 2000 elementary	2.062260	\$4,222
Approximate increase totaling \$606.00			
Tax Dist. #179	Cheney affiliated with Lincoln	1.766044	\$3,616
Tax Dist. #1	Lincoln	2.007788	\$4,110
Approximate increase totaling \$613.00			
Tax Dist. #180	Cheney affiliated with Bennet/Palmyra	1.701478	\$3,484
Tax Dist. #202	Lincoln - no bond & Bennet/Palmyra 1997 high school bond	1.974828	\$4,043
Approximate tax increase of \$559.00			

Upon annexation all lands within Pine Lake SID #2 would transfer to Lincoln Public School (LPS) Districts. Property owners would no longer pay their current school district general levy, but would now pay the LPS general levy. Additionally, according to state statutes, any property that was in a school district at the time of a bond election, must continue to pay that bond until it is retired, even after property transfers to another district.

However, the City of Lincoln and Lincoln Public Schools have approved an agreement that provides that any area annexed by the City of Lincoln would not have to pay for existing LPS school bonds while it still has to pay for the school bond of another school district. If your property is annexed it will be subject to all future bonded indebtedness of LPS that is approved after the date of annexation.

#### **What about the existing sewage treatment plant/connecting to the City's system?**

Plans are under review by the City for the extension of a sewer line from Highway 2 north to Parker's Landing, the recently approved subdivision adjacent to the Pine Lake SID on the north. These plans show the proposed line extending across the undeveloped land that lies between Pine Lake SID and the Berean Church. It is anticipated that after this line has been constructed, the Pine Lake sewer system will be connected to it. After connection to the City's system, the old treatment facility located at the west edge of Pine Lake SID would be of no further use and is expected to be decommissioned.

**Will homeowners be able to keep their wells?**

Yes. Wells are allowed inside the city limits as long as the owner obtains an annual permit from the Health Department and the well meets city standards. In the case of the Pine Lake SID wells, the two functioning water wells could continue to be used for irrigation purposes.

**How would fire service be handled?**

Currently, this area is served by the rural fire district. After annexation, the Lincoln Fire Department would handle all emergency and fire calls to the area.

**How would homeowners with horses, goats, and other large animals be affected?**

A household with a lot of at least one acre may obtain an annual permit to maintain 1 or 2 large animals. Animal pens or stables must be more than 75 feet from any residence. In order to maintain three or more animals, there must be at least 1.5 acres of lot area per animal. Residences exceeding the permitted number may keep their animals while the numbers are diminished through natural attrition. Animals in excess of the permitted numbers cannot be replaced.

**How would homeowners with 4 or more small animals be affected?**

Fowl and small animals such as rabbits require a permit. A resident may have up to 3 dogs over the age of 6 months. A cat kennel permit is required to keep more than one unaltered cat over the age of one year. There is no maximum on the number of altered cats. All cats and dogs must be licensed.

**For further information on these specific topics please call:****Wells and On-Site Wastewater Treatment Systems**

John Chess, Health Department, at 441-8027

**Streets, Sidewalks, City Sewer and Water**

Dennis Bartels, Public Works, at 441-7595

**General Information on Annexation and Process**

Brian Will, Planning, at 441-6362

**Horses, Dogs, Cats and Other Animals**

Jim Weverka, Health Department, at 441-7900

If you have any further questions, please do not hesitate to call.

Sincerely,

Brian Will  
Planning Department

xc: Mayor Don Wesely; City Council; Norm Agena, County Assessor; Ray Hill, Planning Department; Rick Peo, Law Department; Scott Holmes, Health Department; Roger Figard, Public Works & Utilities; Steve Masters, Public Works & Utilities; John Huff, Fire Department.

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